

Docket No.: 0365-0664PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Heikki SEPPA

Application No.: 10/564,403

Confirmation No.: 1796

Filed: January 13, 2006

Art Unit: N/A

For: METHOD FOR DETECTING OBJECTS AND
A SYSTEM FOR SOLVING CONTENT OF A
SYMBOL

Examiner: Not Yet Assigned

REQUEST FOR RECONSIDERATION IN RESPONSE
TO NOTIFICATION OF DEFECTIVE RESPONSE

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned is in receipt of Notification of Defective Response dated October 20, 2006 in connection with the above-identified application. The Notification states that the Oath or Declaration of the inventors does not comply with 37 C.F.R. § 1.497(a) and (b) because it is not executed in accordance with either 37 C.F.R. § 1.66 or 37 C.F.R. § 1.68 and that the inventor did not sign the Declaration. Additionally, under the assumption that no signed declaration was filed, the Notification set a one-month date for responding thereto¹.

¹ This response period is allegedly not extendible under 37 C.F.R. § 1.136, although the response period set in the original Notification of Missing Requirements may be extended under 37 C.F.R. 1.136(a)

Applicants request reconsideration of the Notification of Defective Response.

As will be noted from the Declaration filed on July 19, 2006 in response to the Notification of Missing Requirements dated May 22, 2006, the Declaration was, in fact, executed by the sole inventor, Mr. Seppa, on March 6, 2006. The inventor's signature does not appear in the place specifically indicated on the Declaration for the inventor's signature; his signature appears directly below the space for the inventor's mailing address, i.e., in the place identified as "INVENTOR'S SIGNATURE" for a second inventor. Since Mr. Seppa is the sole inventor, as indicated above, it is clear from the originally-filed Declaration that the signature on the Declaration is in fact the signature of the sole inventor, Heikki Seppa.

For the convenience of the Patent and Trademark Office, attached hereto is a replacement Declaration where Mr. Seppa's signature is located in the first INVENTOR'S SIGNATURE box. This substitute Declaration is preferable to the Declaration filed on July 19, 2006 and is presented to correct possible objections to the Declaration. However as will be seen by a comparison of the Declaration originally filed in response to the Notification of Missing Requirements on July 19, 2006 and the newly executed substitute Declaration submitted in response to the Notification of Defective Response (copies of both Declarations are attached hereto), the signature of the inventor on both Declarations is the same. Thus, the Declaration filed on July 19, 2006 clearly complies with the rules and is signed by the sole inventor.

Since the Declaration filed July 19, 2006 is in compliance with 37 C.F.R. § 1.497(a) and (b), the Notification of Defective Response is in error and should be vacated.

Since the Declaration originally filed in response to the Notification of Missing Requirements was in compliance with 37 C.F.R. § 1.497(a) and (b), the Notification of

Defective Response was in error. Thus, no response to this requirement is needed. Accordingly, in view thereof, Applicant does not believe that any extension of time to respond to this document is necessary. However, if determined necessary, Applicant requests an extension of time to maintain the present application pending and the Commissioner is hereby authorized to charge any necessary extension of time fee to the undersigned's Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 22, 2006

Respectfully submitted,

By _____
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments: Copy of Notification of Defective Response
Substitute Declaration of the Inventor
Copy of Declaration as filed on July 19, 2006

MKM



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/564,403	Heikki Seppa	0365-0664PUS1
INTERNATIONAL APPLICATION NO.		
PCT/FI04/00459		
I.A. FILING DATE	PRIORITY DATE	
07/16/2004	07/17/2003	
CONFIRMATION NO. 1796		
371 FORMALITIES LETTER		
 OC000000020912214		

A/B *(QX)*
DOCKETED
Perfect *(XXXX)*
11-20-06

Date Mailed. 10/20/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 01/13/2006
- Copy of the International Search Report filed on 01/13/2006
- Copy of IPE Report filed on 01/13/2006
- Information Disclosure Statements filed on 04/13/2006
- Oath or Declaration filed on 07/19/2006
- U S Basic National Fees filed on 01/13/2006
- Priority Documents filed on 01/13/2006
- Specification filed on 01/13/2006
- Claims filed on 01/13/2006
- Abstracts filed on 01/13/2006
- Drawings filed on 01/13/2006

Applicant's response filed 07/19/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/22/2006 have not been completed

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U S C 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68
 - The inventor did not sign the declaration.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR

1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U S. application no shown above (37 CFR 1 5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/564,403	PCT/FI04/00459	0365-0664PUS1

FORM PCT/DO/EO/916 (371 Formalities Notice)

Attorney Docket No 0365-0664,
PUS1

BIRCH, STEWART, KOLASCH & BIRCH, LLP

P O Box 747 • Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

PLEASE NOTE:
YOU MUST
COMPLETE THE
FOLLOWING

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated next to my name; that I verify believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

METHOD FOR DETECTING OBJECTS AND A SYSTEM FOR SOLVING CONTENT OF A SYMBOL

Fill in Appropriate
Information -
For Use Without
Specification
Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on _____ as

United States Application Number _____ ;

and amended on _____ ; (if applicable) and/or

the specification was filed on July 16, 2004 as PCT

International Application Number PCT/FI2004/000459 ; and was

amended on _____ ; (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereto, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows:

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority
Information:
(If appropriate)

Prior Foreign Application(s)

Priority Information: (Number)	(Country)	Priority Date (Month/Day/Year Filed)	Priority Claimed	
			<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below

Insert Provisional
Application(s):
(If any)

(Application Number)	(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested
Information:
(If appropriate)

Country Application Number Date of Filing (Month/Day/Year)

_____	_____	_____
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.
Application(s):
(If any)

(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)

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COPY

Attorney Docket No D365-0664PUS1

I hereby appoint the practitioners at CUSTOMER NO. 2292 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

Send Correspondence to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP or CUSTOMER NO. 2292
P O Box 747 • Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

PLEASE NOTE:
YOU MUST
COMPLETE
THE
FOLLOWING:
↓

Full Name of First
or Sole Inventor
Inventor's Name
Inventor Date This
Document is Signed

Inventor Residence
Inventor Citizenship

Inventor Mailing
Address

Full Name of Second
Inventor (If any;
see above)

Full Name of Third
Inventor (If any;
see above)

Full Name of Fourth
Inventor (If any;
see above)

Full Name of Fifth
Inventor (If any;
see above)

Full Name of Sixth
Inventor (If any;
see above)

Page 2 of 2
(Rev 12/19/01)

GIVEN NAME/FAMILY NAME Reikki Soppä	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) Helsinki, Finland		CITIZENSHIP Finnish
MAILING ADDRESS (Complete Street Address including City, State & Country) Partiotie 26 FI-00370 Helsinki Finland		
GIVEN NAME/FAMILY NAME 	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State & Country)		
GIVEN NAME/FAMILY NAME 	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State & Country)		
GIVEN NAME/FAMILY NAME 	INVENTOR'S SIGNATURE	DATE*
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GIVEN NAME/FAMILY NAME 	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State & Country)		
GIVEN NAME/FAMILY NAME 	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State & Country)		

*DATE OF SIGNATURE

COPY